

Remarks

In the Non-Final Office Action dated February 14, 2011, claims 1 and 3-14 remain pending in this application. Claims 1 and 4 are objected to because of informalities, and claims 1 and 3-14 stand rejected under 35 U.S.C. §103.

By this response, claims 1 and 4 have been amended to provide consistency with respect to antecedent basis. No new matter has been added.

Cited Art

The following references have been cited and applied in the present Office Action: U.S. published patent application 2003/0221098 to Chen et al. (hereinafter, "Chen"); and U.S. published patent application 2004/0081320 to Jordan et al. (hereinafter, "Jordan"); U.S. Patent 7,293,289 to Loc et al. (hereinafter, "Loc"); and U.S. Patent 6,118,869 to Kelem et al. (hereinafter, "Kelem").

Objection to Claims 1 and 4

Claims 1 and 4 have been amended as suggested in the Office Action. Applicants request the withdrawal of the objection to these claims.

Rejection of Claims 1, 7-8, and 13 under 35 U.S.C. §103

Claims 1, 7-8 and 13 stand rejected under 35 U.S.C. §103 as being unpatentable over Jordan in view of Chen. Applicants respectfully traverse this rejection.

Independent claim 1 is a method claim, and independent claim 8 is an apparatus claim. Since claims 1 and 8 each recites substantially similar features, the remarks below are intended to pertain to both claims without further repetition of the remarks.

Jordan's paragraphs 78-84 and 87-93 were cited on p.3-5 of the Office Action for allegedly teaching various steps analogous to those in Applicants' claimed invention. Using the Examiner's key notations of K1-K4, these steps relate to: setting a current password key (K2) and old password key (K1); generating a new encryption key (K3); resetting the current key to equal the new key (replacing K2 with K3); resetting the old key to equal a password key currently being used by a wireless device (old key is reset to be K2); communicating the new key (K3) in

encrypted form using the old key (K2); indicating a decryption failure when the updated password key is not correct and reverting back to an old password key; and when the messaging gateway and wireless device are re-synchronized with key K3, generating another new key (K4) to result in resetting the old key to equal the current key (i.e., K3 becoming the old key).

Without conceding to the Examiner's interpretation of other cited portions in Jordan or correspondence of various keys in each step, Applicants submit that the interpretation of at least two resetting steps and the communicating step is inconsistent with Jordan's teaching. Specifically, the Office Action interprets Jordan as teaching: resetting the current key to equal the new key (K3 being set to the current key), resetting the old key to equal an encryption key used by a station in communication with a point in the network (K2 being set to the old key), and the new key (K3) being communicated by encryption with the old key (i.e., K2).

However, such key assignments are inconsistent with Jordan's teaching that the "old password key" (K2) used to encrypt the message containing the new key (K3) is also the same as the "current password key" (e.g., para. 0080); whereas, according to the Office Action, the current key has been reset as K3 (i.e., not the old key K2). Thus, the specific correspondence of the various keys in the Office Action for these resetting and communicating steps does not agree with Jordan's teaching.

The Examiner acknowledged that Jordan does not disclose any of the above steps being performed at an access point, or that the new key is communicated directly from an access point to the station. Thus, Chen was cited (specifically, Fig. 2, paras. 5, 12 and 43) for teaching a method for updating and synchronizing ciphering key between at least one access point in direct communication with at least one station in a wireless network to prevent network hackers from invading into the wireless network.

The Examiner further stated that, since Jordan discloses the system of Fig. 1 as an exemplary embodiment of a wireless system, one skilled in the art would recognize that this method can be implemented in other wireless communication systems, such as one including access points and stations, and a combination with Chen would apparently result in Applicants' claimed invention. Applicants respectfully disagree.

Although Jordan's Fig. 1 is said to be an exemplary wireless system, it is also clear that Jordan does not contemplate or suggest the specific configurations in Applicants' claimed invention – that of providing an access point in the network and performing the recited steps at

the access point. The cited portions of Chen disclose updating ciphering key between an access point and a station, including generating a new key and sending the new key by encrypting it using the old key (see Fig. 2, para. 12 and 43). However, there is no showing that Chen teaches that any of the other steps in Jordan be performed at the access point.

The Office Action's assertion, that one skilled in the art would modify Jordan's method to perform each step in the exact manner of Applicants' invention, appears to be a conclusory statement based on hindsight from Applicants' disclosure.

Since there is no showing that Jordan or Chen teaches that each step in Applicants' claimed invention be performed at an access point, a combination of Jordan and Chen, as suggested in the Office Action, still would not have resulted in Applicants' claim 1 or claim 8.

Thus, claims 1 and 8, along with their respective dependent claims, would not have been obvious over Chen and Jordan, either separately or in combination, and claims 1, 7-8, and 13 are allowable under 35 U.S.C. §103.

Rejection of Claims 3-4, 9 and 14 under 35 U.S.C. §103

Claims 3-4, 9 and 14 stand rejected under 35 U.S.C. §103 as being unpatentable over Jordan, Chen and Loc. Applicants respectfully traverse this rejection.

Claims 3-4 and 14 depend ultimately from claim 1, and claim 9 depends from claim 8. Since Loc does not cure the deficiencies in the teachings of Chen and Jordan as described above, the combination of Chen, Jordan and Loc also fails to disclose or suggest all the elements of claims 3-4, 9 and 14. Withdrawal of this rejection is respectfully requested.

Rejection of Claims 5-6 and 10-12 under 35 U.S.C. §103

Claims 5-6 and 10-12 stand rejected under 35 U.S.C. §103 as being unpatentable over Jordan, Chen and Kelem. Applicants respectfully traverse this rejection.

Claims 5-6 depend ultimately from claim 1, and claims 10-12 depend from claim 8. Since Kelem does not cure the deficiencies of Chen and Jordan as described above for claims 1 and 8, the combination of Chen, Jordan and Kelem also fails to disclose or suggest all the elements of claims 5-6 and 10-12. Withdrawal of this rejection is respectfully requested.

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Conclusion

In view of the foregoing, Applicants solicit entry of this amendment and allowance of the claims.

Respectfully submitted,
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